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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,190	11/12/2003	William R. Kennedy	KDY 9497	5982

321 7590 06/29/2005

SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS, MO 63102

EXAMINER

KYLE, MICHAEL J

ART UNIT PAPER NUMBER

3677

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/706,190

Applicant(s)

KENNEDY ET AL.

Examiner

Michael J. Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-27 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 6-11, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/11/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Clavin (U.S. Patent No. 5,638,709). Clavin discloses a door system comprising a door (50) that swings between open and closed positions, a keeper (edge of 51), and a trigger actuated latch mechanism (12, 13). The trigger actuated latch mechanism includes a detent (13, 37) engageable with the keeper (edge of 51) and a trigger (40) operably connected to the detent. Actuation of the trigger (40) causes the detent (13, 37) to move from a latched position to an unlatched position allowing the door (50) to be opened.

3. With respect to claims 2 and 3, Clavin discloses the latch mechanism to include a sear (54) for holding the detent in the latched position. Actuation of the trigger releases the detent from the sear. The detent is spring biased to the unlatched position (by spring 34).

4. With respect to claim 14, Clavin discloses a door system comprising a door (50), a keeper (edge of 51), and a latch mechanism (12, 13). The latch mechanism includes a detent (13, 37) engageable with the keeper for latching the door in a closed position when the detent is in a latched, cocked position (shown in figure 3). A biasing member (34) biases the detent to an unlatched, un-cocked position. A sear (54) holds the detent in the cocked position and a trigger (40) is operably connected to the sear for moving the sear away from the detent, causing the

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detent to move from the latched, cocked position (shown in figure 3) to the unlatched, un-cocked position. The mechanism is constructed so that upon actuation of the trigger (40), the detent remains in the unlatched, un-cocked position at least until the door is opened.

5. With respect to claim 15, Clavin discloses the sequence of actuating the trigger (40) to cause the detent (13, 37) to move to the unlatched, un-cocked position, releasing the trigger, and pulling the door to the open position.

6. With respect to claim 16, Clavin discloses closing the door (50) after the door has been pulled open to re-cock the mechanism so that the detent is re-cocked and prepared for actuation.

7. Claims 1, 4, 5, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kennedy et al ("Kennedy", U.S. Patent No. 6,032,986). Kennedy discloses a door system comprising a door (22) that swings between open and closed positions, a keeper (70), and a trigger actuated latch mechanism (60). The trigger actuated latch mechanism includes a detent (90) engageable with the keeper (70) and a trigger (114 or 116) operably connected to the detent. Actuation of the trigger (114 or 116) causes the detent (90) to move from a latched position to an unlatched position allowing the door (22) to be opened.

8. With respect to claim 4, Kennedy discloses the latch mechanism (60) is mounted on the door (22) and comprises a quadrilateral linkage (78-81) mounting the detent (90) and adapted for maintaining the detent in the latched position even if the keeper moves relative to the door.

9. With respect to claim 5, Kennedy discloses the quadrilateral linkage (78-81) to include a first pair of opposing links (78, 79), a second pair of opposing links (80, 81) pivotably connected

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to the first pair of links, and a spring (110) attached to the pivot connections at opposed corners of the linkage.

10. With respect to claims 12 and 13, Kennedy discloses one trigger (116) located on an inward side of the door (@2), and a second trigger (114) located on the doors outward side so the latch mechanism is operable from both sides of the door. The mechanism is constructed and configured so that a user can actuate the second trigger (114) and thereafter pull on a handle without the detent moving back to its latched position.

#### ***Allowable Subject Matter***

11. Claims 6-11, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 19-27 are allowed.

#### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to spring biased and trigger actuated latches: Dall, Borrup, Johnson, Guth, Bourne, Adrian et al, Bisbing, and Okamoto et al.

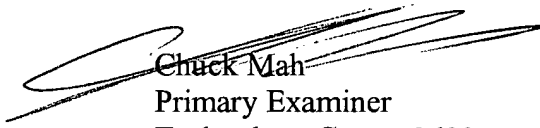
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

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15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk



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